S.B.CR MISC. BAIL APPLICATION NO.3653/06

Date : 11.09.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. S.D. Vyas for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in the instant case 14 witnesses have been examined and none of the witnesses involved the accused applicant in the case, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

After hearing learned counsel for the parties and taking into consideration the overall facts and circumstances of the present case, I do not find it proper to express any opinion on the merits of the case since the trial is almost at

the fag end. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. is rejected. The learned trial court shall expedite the trial as early as possible. Learned counsel for the applicant submits at this stage that the applicant may be allowed to lead evidence in defence after recording of statement under Section 313 of the Cr.P.C. The learned trial court shall in accordance with law provide proper opportunity to lead the evidence if so required by accused side.

(SATYA PRAKASH PATHAK), J.

vijayant